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International Covenant on Civil and Political Rights

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Human Rights Committee

Follow-up progress report on individual communications*

A. Introduction

1. At its thirty-ninth session, the Human Rights Committee established a procedure and designated a Special Rapporteur to monitor follow-up on its Views adopted under article 5 (4) of the Optional Protocol to the International Covenant on Civil and Political Rights. The Special Rapporteur for follow-up on Views prepared the present report in accordance with rule 101, paragraph 3, of the Committee's rules of procedure. The present report sets out all the information provided by States parties and authors or their counsel/representative between November 2015 and July 2016.

2. The Committee has concluded that there have been violations of the Covenant in 975 of the 1,156 Views adopted since 1979.

3. At its 109th session, the Committee decided to include in its reports on follow-up to Views an assessment of the replies received from and action taken by States parties. The assessment is based on the criteria applied by the Committee in the procedure for follow-up to its concluding observations. The assessment criteria are as follows:

Assessment criteria	
Reply/action satisfactory	
A	Reply/action largely satisfactory
Reply/action partially satisfactory	
B1	Substantive action taken, but additional information required
B2	Initial action taken, but additional information required
Reply/action not satisfactory	
C1	Reply received, but action taken does not implement the recommendation
C2	Reply received but not relevant to the recommendation

* Adopted by the Committee at its 118th session (17 October-4 November 2016).

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No cooperation with the Committee

D1 No reply received within the deadline, or no reply to any specific question in the report

D2 No reply received after reminder(s)

The measures taken are contrary to the recommendations of the Committee

E Reply indicates that the measures taken go against the recommendations of the Committee

B. Follow-up information received and processed between November 2015 and July 2016

1. Australia

Communications No. 2094/2011, *F.K.A.G. et al. v. Australia*, and No. 2136/2012, *M.M.M. et al. v. Australia*

Views adopted:	26 July 2013 and 25 July 2013, respectively
Violation:	Articles 7 and 9 (1) and (4)
Remedy:	Effective remedy, including release under individually appropriate conditions for those authors still in detention, rehabilitation and appropriate compensation.
Subject matter:	Indefinite detention of refugees with adverse security assessments
Previous follow-up information:	CCPR/C/115/3
Submission from State party:	10 February 2016
	All of the authors of *M.M.M. et al. v. Australia*, and all but four of the authors of *F.K.A.G. et al. v. Australia* have been released from immigration detention. The Minister for Immigration and Border Protection decided to grant them visas, taking into consideration the issuance by the Australian Security Intelligence Organisation of a qualified or non-prejudicial security assessment. Three of the four remaining authors have had their security assessments affirmed by the Independent Reviewer of Adverse Security Assessments. The appropriateness of their detention will continue to be reviewed. In the case of the fourth author, the Organisation has provided the Department of Immigration and Border Protection with a qualified security assessment, in respect of his suitability to hold a visa. He remains in detention pending appropriate immigration processing and the Minister's decision on granting a visa.

	The State party reiterates that it is entitled to take measures, including detention, to uphold its national security. Policies and processes are in place to ensure that any such detention is not arbitrary.
Committee's assessment:	(a) Effective remedy, including release under individually appropriate conditions for those authors still in detention, rehabilitation and appropriate compensation: B2
	(b) Publication of the Views: No information
	(c) Non-repetition: C2
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1875/2009, *M.G.C. v. Australia*	
Views adopted:	26 March 2015
Violation:	Article 9
Remedy:	Effective and appropriate remedy, including compensation.
Subject matter:	Deportation to United States of America
Previous follow-up information:	None
Submission from author:	27 December 2015
	The reviews conducted by the Government of Australia were perfunctory or insufficient. Little was done to review the author's detention beyond confirming his alleged status as an "unlawful non-citizen". The Minister for Immigration and Border Protection declined to intervene on the author's behalf.
	That is so, despite the fact that the Queensland Community Corrections Board found that "the Board assessed [the author] to pose a 'low risk' if released". The Government claimed that its procedures for determining risk to the community are different from those used by the Board. The author argues that the Administrative Appeals Tribunal never provided any justification for departing from the Board's findings. He adds that the Board members have more experience in determining risk to the community than the Government. Also, the Government failed to consider the interests of the author's son.
Committee's decision:	Follow-up dialogue ongoing; send a reminder to the State party.

2. Belarus

Communication No. 2165/2012, *Pinchuk v. Belarus*	
Views adopted:	24 October 2014
Violation:	Articles 9, 14 (2) and 22 (1)
Remedy:	Appropriate remedy, to be provided by, inter alia: (a) reconsideration of the application for registration of the Viasna association, based on criteria compliant with the requirements of article 22 of the Covenant; (b) removal of the criminal conviction of the author's husband (Aleksander Belyatsky) from his criminal record; and (c) adequate compensation, including reimbursement of the legal costs incurred. The State party should review its internal legislation to ensure its compliance with the requirements of article 22 of the Covenant.
Subject matter:	Sentencing to four and a half years of imprisonment for conducting activities on behalf of an unregistered association
Previous follow-up information:	None
Submission from author:	6 January 2016 The author submits that none of the requests for registration submitted by the Viasna association in 2007 and 2009 have been reconsidered by the Ministry of Justice. Mr. Belyatsky's criminal conviction has not been expunged and his criminal record has not been cleared. Within a period of one year, he would face a so-called "preventive supervision", which carries more serious restrictions. In July 2015, he appealed to the Prosecutor of the Pervomaiski district to re-examine his case, in the light of the adoption of the Committee's Views. On 7 August 2015, the author's application was rejected on the ground that there was no basis for reopening judicial proceedings. No compensation has been provided to Mr. Belyatsky, and his legal costs have not been reimbursed. The State party has amended its restrictive legislation regulating the activities of non-governmental organizations. Article 193-1 of the Belarus Criminal Code, criminalizing activities on behalf of unregistered organizations, remains in force. Other legislative obstacles preventing foreign funding of civil society organizations continue to be in force. The State party continues to refuse the registration of many associations on the basis of a number of highly technical reasons, some of which appear to be inconsistent with the Covenant.
Committee's decision:	Follow-up dialogue ongoing.

3. Bosnia and Herzegovina

Communications No. 1917/2009, No. 1918/2009, No. 1925/2009 and No. 1953/2010, *Prutina et al. v. Bosnia and Herzegovina*	
Views adopted:	28 March 2013
Violation:	Article 2 (3), 6, 7 and 9 with regard to all of the authors and their disappeared relatives; article 24 (1) with regard to Alma Čardaković and Samir Čekić
Remedy:	Effective remedy, to be provided by, inter alia: (a) continuing the State party's efforts to establish the fate or whereabouts of the authors' relatives, as required by the Law on Missing Persons 2004; (b) bringing to justice those responsible for their disappearance by the end of 2015, as required by the national war crimes strategy; (c) abolishing the obligation for family members to declare their missing relatives dead in order to benefit from social allowances or others forms of compensation; and (d) ensuring adequate compensation.
Subject matter:	Enforced disappearance
Previous follow-up information:	CCPR/C/113/3 and Corr.1
Submission from State party:	8 January 2016 The Prosecutor's Office will regularly inform the authors about the progress and results of activities undertaken during the investigation of suspects. The Missing Persons Institute participated in the activities and has already delivered its observations regarding the group of missing citizens from Vogošća, namely Salih Čekić, Safet Kozica, Fikret Prutina, Huso Zlatarac and Nedžad Zlatarac. The Institute regrets that despite the measures taken no results have been achieved, but it is determined to increase its efforts. The authors will be notified of any new findings.
Committee's assessment:	(a) Continuing efforts to establish the fate or whereabouts of the victims: B1 (b) Bringing to justice those responsible by the end of 2015: B1 (c) Abolishing the obligation for family members to declare their missing relatives dead in order to benefit from social allowances: B1 (d) Ensuring adequate compensation: D (e) Publication of the Views: A (f) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1955/2010, *Al-Gertani v. Bosnia and Herzegovina*	
Views adopted:	1 November 2013
Violation:	Articles 9 (1), (2) and (4); and articles 17 and 23, should the author be removed to Iraq
Remedy:	Effective remedy, including adequate compensation, to be provided by, inter alia: (a) either releasing the author on appropriate conditions, or providing him with an adequate opportunity to challenge all grounds on which his detention is based; and (b) undertaking a full reconsideration of the reasons for removing the author to Iraq, and the effects thereof on his family life, prior to any attempt to return the author to his country of origin.
Subject matter:	Deportation to Iraq
Previous follow-up information:	CCPR/C/113/3 and Corr.1
Submission from State party:	18 December 2015 The Service for Foreigners' Affairs adopted a decision that imposes a milder measure of control on the author by restricting his movement to his residence in Banovići and obliging him to report on a daily basis to the relevant authorities. The author is a foreigner, staying illegally in Bosnia and Herzegovina, who was declared to pose a risk to the State party's national security. It submits that, having released the author, it has complied with the Views. The Service for Foreigners' Affairs has taken a number of steps to seek the approval of the Iraqi authorities to return the author, but no response has been received yet. The decision to expel him has never been formally revoked.
Committee's assessment:	(a) Adequate compensation: C1 (b) Release or adequate opportunity to challenge all grounds on which the detention is based: A (c) Full reconsideration of the reasons for removal to Iraq, and the effects thereof on his family life, prior to any attempt to return the author to his country of origin: B1 (d) Publication of the Views: A (e) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1970/2010, *Kožljak et al. v. Bosnia and Herzegovina*	
Views adopted:	28 October 2014
Violation:	Article 2 (3), 6, 7, 9, 16 and 24 (1)

Remedy:	Effective remedy, to be provided by, inter alia: (a) continuing the State party's efforts to establish the fate or whereabouts of Ramiz Kožljak, as required by the Law on Missing Persons 2004, and contacting the authors as soon as possible to obtain the information that they can contribute to the investigation; (b) bringing to justice those responsible for his disappearance, as required by the national war crimes strategy; (c) ensuring adequate compensation; and (d) ensuring that investigations into allegations of enforced disappearance are accessible to the families of missing persons.
Subject matter:	Enforced disappearance
Previous follow-up information:	CCPR/C/115/3
Submission from State party:	18 December 2015
	The Prosecutor's Office will regularly inform the author of the communication about the progress and results of activities undertaken in the case.
	The Missing Persons Institute has verified the current status of Emina, Sinan and Ramiz Kožljak. Several family members have provided blood for DNA analysis, but no matches have been obtained thus far. If the Institute submits new information regarding Ramiz Kožljak, the State party will immediately conduct the process of re-exhumation and deliver mortal remains to the family members.
	The Committee's Views have been translated and distributed. The Prosecutor's Office is competent regarding compensation, and the State party is not in a position to provide any information on that matter.
	The Ministry of Human Rights and Refugees has prepared a bill on the rights of torture victims in Bosnia and Herzegovina, under which the issue of compensation for all torture victims will be better addressed. The draft law will be transmitted to Parliament by mid-2016.
Committee's assessment:	(a) Continuing efforts to establish the fate or whereabouts of the victim: B1
	(b) Bringing to justice those responsible by the end of 2015: B1
	(c) Ensuring adequate compensation: C1
	(d) Publication of the Views: A
	(e) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2003/2010, *Selimović et al. v. Bosnia and Herzegovina*

Views adopted:	17 July 2014

Violation:	Articles 6, 7 and 9, read in conjunction with article 2 (3), with regard to the missing relatives; and article 7, read in conjunction with article 2 (3), with regard to the authors
Remedy:	Effective remedy, to be provided by, inter alia: (a) continuing the State party's efforts to establish the fate or whereabouts of Hasan Abaz, Idriz Alić, Mensud Durić, Esad Fejzović, Himzo Hadžić, Safet Hodžić, Abdulah Jelašković, Emin Jelećković, Hakija Kander, Sinan Salkić, Đemo Šehić and Rasim Selimović, as required by the Law on Missing Persons 2004; (b) continuing its efforts to bring to justice those responsible for their disappearance without unnecessary delay, as required by the national war crimes strategy; and (c) ensuring adequate compensation for all the authors. The State party must ensure, in particular, that investigations into allegations of enforced disappearance are accessible to the missing persons' families, and that the current legal framework is not applied in a manner that requires relatives of victims of enforced disappearance to obtain certification of the death of the victim as a condition for obtaining social benefits and measures of reparation.
Subject matter:	Enforced disappearance
Previous follow-up information:	CCPR/C/115/3
Submission from State party:	8 January 2016
	The Prosecutor's Office will regularly inform the authors about progress and the results of investigations of suspects.
	The Missing Persons Institute recalls that it has already provided observations regarding the group of missing citizens from Vogošća, namely Hasan Abaz, Idriz Alić, Mensud Durić, Esad Fejzović, Himzo Hadžić, Safet Hadžić, Abdulah Jelašković, Emin Jelećković and Hakija Kander.[1] The Institute regrets that despite the measures taken, no results have been achieved. The authors will be notified of any new findings.
	The fund for providing assistance to the families of missing persons has not yet been established.
	Regarding compensation, based on a proposal of the Ministry of Human Rights and Refugees, the Council of Ministers has prepared a draft law on the rights of torture victims, which will be brought before Parliament shortly.
Committee's assessment:	(a) Continuing efforts to establish the fate or whereabouts of the victims: B2
	(b) Bringing to justice those responsible for their disappearance, as required by the national war crimes strategy: B1
	(c) Ensuring adequate compensation: C2

[1] Details in CCPR/C/115/3, pp. 12-13.

	(d) Ensuring that investigations into allegations of enforced disappearances are accessible to the families of missing persons: No information
	(e) Publication of the Views: No information
	(f) Non-repetition: B1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2028/2011, *Ičić v. Bosnia and Herzegovina*

Views adopted:	30 March 2015
Violation:	Articles 2 (3), 6, 7, 9, 10 and 16
Remedy:	Effective remedy, to be provided by, inter alia: (a) strengthening the State party's investigations to establish the fate or whereabouts of Mr. Ičić, as required by the Law on Missing Persons 2004, and having its investigators contact the author as soon as possible to obtain the information that she can contribute to the investigation; (b) strengthening its efforts to bring to justice those responsible for Mr. Ičić's disappearance, without unnecessary delay, as required by the national war crimes strategy; (c) ensuring that necessary psychological rehabilitation and medical care are provided to the author for the harm suffered; and (d) providing effective reparation to the author, including adequate compensation and appropriate measures of satisfaction.
Subject matter:	Enforced disappearance
Previous follow-up information:	None
Submission from State party:	1 February 2016
	Many exhumations were carried out in the Prijedor region in 2014 and 2015 but regrettably, the remains of Fadil Ičić were not found. The Prosecutor's Office is continuing the search.
	In accordance with the national war crimes strategy, the Prosecutor's Office has taken the victim's case into account. The disappearance happened in circumstances during which Bosnians and Croats were captured, taken to detention camps, tortured and killed. The Missing Persons Institute has performed checks on the current status of victims, and determined that the family members' blood samples do not match any DNA currently in the database. It will inform the Committee about any new findings concerning the case.
	Regarding the obligation for the State party to provide financial support, it is the shared responsibility of the national Government and Brčko District. However, no agreement has yet been reached on that issue.

	The Attorney General of Republika Srpska has not received any request for non-pecuniary damages for the loss of next-of-kin on behalf of the author, Mevlida Ičić.
Committee's assessment:	(a) Strengthening investigations to establish the fate or whereabouts of Mr. Ičić, as required by the Law on Missing Persons 2004, and having its investigators contact the author as soon as possible to obtain the information that she can contribute to the investigation: B1 (b) Strengthening efforts to bring to justice those responsible for Mr. Ičić's disappearance, without unnecessary delay, as required by the national war crimes strategy: B1 (c) Ensuring that necessary psychological rehabilitation and medical care are provided to the author: C2 (d) Providing effective reparation to the author, including adequate compensation and appropriate measures of satisfaction: C1 (e) Publication of the Views: No information (f) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2143/2012, *Dovadžija v. Bosnia and Herzegovina*

Views adopted:	22 July 2015
Violation:	Articles 6, 7 and 9 read in conjunction with article 2 (3) of the Covenant with regard to Mr. Dovadžija; and article 7, read alone and in conjunction with article 2 (3), with regard to the authors
Remedy:	Effective remedy, to be provided by, inter alia: (a) intensifying the State party's investigations to establish the fate or whereabouts of Mr. Dovadžija, as required by the Law on Missing Persons 2004, and having its investigators contact the authors as soon as possible to obtain the information that they can contribute to the investigation; (b) strengthening its efforts to bring to justice those responsible for Mr. Dovadžija's disappearance without unnecessary delay, as required by the national war crimes strategy; (c) ensuring that the psychological rehabilitation and medical care necessary are provided to the authors for the psychological harm they have suffered; and (d) providing effective reparation to the authors, including adequate compensation and appropriate measures of satisfaction.
Subject matter:	Enforced disappearance
Previous follow-up information:	None

Submission from State party:	1 February 2016
	The victim, Salih Dovadžija, is involved in two cases that are pending before the Prosecutor's Office. The Prosecutor is conducting preliminary investigations, including the examination of witnesses.
	On 1 December 2014, the Missing Persons Institute filed a request to the Prosecutor for exhumation and after DNA analysis, a match was found, with a high degree of probability between the skeleton of one of the exhumed unidentified persons and the blood sample of members of the Dovadžija family. The remains therefore appear to be those of Salih Dovadžija.
	Regarding compensation, a new draft law on compensation for torture victims is in the process of consideration.
Committee's assessment:	(a) Intensifying investigations to establish the fate or whereabouts of Mr. Dovadžija, and contacting the authors as soon as possible to obtain the information that they can contribute to the investigation: B1
	(b) Strengthening efforts to bring to justice those responsible: B1
	(c) Ensuring that the psychological rehabilitation and medical care necessary are provided to the authors for the psychological harm they have suffered: No information
	(d) Ensuring adequate compensation: C1
	(e) Publication of the Views: No information
	(f) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

4. Canada

Communication No. 2091/2011, *A.H.G. v. Canada*

Views adopted:	25 March 2015
Violation:	Article 7
Remedy:	Effective remedy. The State party is under an obligation to make reparation to the author by allowing him to return to Canada, if he so wishes, and to provide him with adequate compensation.
Subject matter:	Deportation from Canada to Jamaica of an individual with mental illness
Previous follow-up information:	None
Submission from State party:	7 March 2016

The State party disagrees with the reasoning of the Committee that Canada violated article 7 of the Covenant when it deported A.H.G. to Jamaica. It observes that the Committee's Views do not explain precisely what action by Canada constituted a violation of its article 7 obligations. The Committee's Views do not explain on what basis the "abrupt" withdrawal of medical and family support could rise to the level of torture or cruel, inhuman or degrading treatment.

It appears from the wording of the Committee's Views that the act of deportation itself, as opposed to the risks that A.H.G. may have faced in Jamaica, is the cause of the violation. If that is in fact the underlying basis of the Committee's Views, in the absence of any explanation of how that is consistent with the Committee's prior Views, it appears to be an illegitimate expansion of the scope of article 7.

Moreover, the determination that A.H.G.'s removal resulted in an "abrupt" withdrawal of medical and family support is unsubstantiated by the evidence.

The Committee's Views also appear to ignore the fact that, over the course of a four-year period, A.H.G. had the benefit of multiple legal proceedings, including immigration processes, during which his allegations of risk of irreparable harm in Jamaica were carefully assessed. While there is no doubt that A.H.G.'s mental illness contributed to his criminality, and is a sympathetic factor to be considered, it cannot override the fact that he had no right to remain in Canada as a foreign national who posed a danger to the general public.

Accordingly, Canada considers that it was not in violation of its international human rights obligations under the Covenant when it removed A.H.G. to his country of origin.

Canada regrets that it is unable to comply with the remedial measures suggested. The remedy that A.H.G. be allowed to return to Canada is unreasonable in that it fails to recognize the right of Canada under international law to control the entry, residence and expulsion of foreign nationals and fails to recognize the obligation of Canada to protect its citizens from individuals such as A.H.G. who pose a significant risk to the safety and security of the general public. That remedy also fails to recognize that A.H.G. is inadmissible to Canada due to serious criminality.

In the circumstances, Canada does not consider that any remedy is owing to A.H.G.

The Committee also suggested that Canada is "under an obligation to prevent similar violations in the future". That phrase is usually used in reference to systemic violations, where the system or legislation is the cause of the violations. Canada observes that the Committee did not identify any shortcomings in the Canadian immigration system itself. As such, Canada does not

	consider that any preventative measures need to be taken. The Committee also requested that Canada publish the Committee's Views, which it has done on a Government of Canada website.[2] The foregoing notwithstanding, Canada reiterates that it takes its international obligations under the Covenant seriously and that it will always do its utmost to cooperate with the Committee. The position of Canada on the present case should not be interpreted as a sign of any disrespect for the important work undertaken by the Committee in monitoring implementation of the Covenant obligations.
Committee's assessment:	(a) Effective remedy, including compensation and allowing the author to return to Canada: E (b) Publication of the Views: A (c) Non-repetition: E
Committee's decision:	Follow-up dialogue ongoing.

5. Colombia

Communication No. 1623/2007, *Guerra de la Espriella v. Colombia*	
Views adopted:	18 March 2010
Violation:	Article 14
Remedy:	Effective remedy, including appropriate compensation.
Subject matter:	Conviction of a person in a trial with faceless judges
Previous follow-up information:	None
Submission from State party:	8 January 2016 The State party notes that the author was provided with the guarantees established in article 29 of the Constitution. It alleges that the criminal investigations observed all the constitutional and due process guarantees. The author was prosecuted following special legislation, endorsed by the Constitutional Court and the Public Prosecutor's Office, which was applied to cases relating to terrorism and drug trafficking, which was a major issue of public order at the time. The State party therefore rejects the Committee's finding that article 14 was violated; hence no economic compensation for the author will be awarded.
Committee's assessment:	(a) Effective remedy, including compensation: E

[2] The Committee's Views have been posted on the website of Canadian Heritage, which contains publicly available information on the international human rights obligations of Canada. The Views can be found in English at www.pch.gc.ca/eng/1357246026068/1357246169574 and in French at www.pch.gc.ca/fra/1357246026068/1357246169574.

(b) Publication of the Views: No information

(c) Non-repetition: E

Committee's decision: Follow-up dialogue ongoing.

6. Denmark

Communication No. 2243/2013, *Hussein v. Denmark*

Views adopted:	24 October 2014
Violation:	Article 23 (1) read in conjunction with article 24
Remedy:	Effective remedy, to be provided by proceeding to a review of the decision to expel the author with a permanent re-entry ban, taking into account the State party's obligations under the Covenant.
Subject matter:	Deportation to Afghanistan
Previous follow-up information:	CCPR/C/117/3
Submission from State party:	12 January 2016 The State party considers that it has given effect to the Committee's Views by having brought the author's case before the courts under section 50 of the Aliens Act, which rejected his appeals, thus providing the author with an effective remedy by proceeding to a review of the decision to expel him and subject him to a permanent re-entry ban, taking into account new circumstances. It is incumbent on the author to leave Denmark immediately; he may be forcibly returned to Afghanistan if he does not leave voluntarily.
Committee's assessment:	(a) Effective remedy, including review of the decision to expel the author with a permanent re-entry ban: A (b) Publication of the Views: A (c) Non-repetition: B1
Committee's decision:	Close the follow-up dialogue, with a finding of satisfactory implementation of the Committee's recommendation.

Communication No. 2288/2013, *O.O.A. v. Denmark*

Views adopted:	23 July 2015
Violation:	Articles 6 and 7
Remedy:	Effective remedy, including full reconsideration of the author's claim regarding the risk of treatment contrary to articles 6 and 7 of the Covenant should she be returned to Nigeria, taking into account the State party's obligations under the Covenant and the Committee's Views. The

	State party is also requested to refrain from expelling the author and her minor child to Nigeria while her request for asylum is being reconsidered. The State party should also review its policy of not granting special consideration to requests for asylum from victims of human trafficking who cooperate with its law enforcement authorities.
Subject matter:	Deportation of a victim of human trafficking to Nigeria
Previous follow-up information:	None
Submission from State party:	24 February 2016

The Refugee Appeals Board reopened the author's asylum case on 17 September 2015, in order to reconsider the author's application for asylum in the light of the Committee's Views.

It found that the applicant did not fall within section 7 of the Aliens Act. That assessment was based on the applicant's personal situation in conjunction with the relevant background information available on conditions in Nigeria, which indicates that, in recent years, Nigeria has made significant and increasing efforts to fight human trafficking. Progress has been achieved in terms of legislation, prosecution of traffickers, development and implementation of identification strategies, training of police officers and immigration staff. Victims are protected by the National Agency for the Prohibition of Trafficking in Persons, and possibly relocated elsewhere in the country. The Agency appears to have the capacity to, and actually does, provide care for all victims referred to it. Police officers and immigration staff have received specialized training on how to identify victims of human trafficking and direct them to the Agency, which has developed formal guidelines for that, which the Government had adopted.

Accordingly, it must be expected that, on return to Nigeria, the applicant will be able to state that she is a victim of human trafficking on her entry, and receive the necessary support. In its decision of 26 May 2015 (*L.O. v. France*, application No. 4455/14), the European Court of Human Rights similarly assumed that a trafficked woman would receive support on her return to Nigeria. In recent years, between 26 and 36 victims of human trafficking have testified or provided evidence in human trafficking cases in Nigeria, and they have been afforded the necessary protection against any reprisals from traffickers, possibly by relocation elsewhere in the country.

As the Board has allowed a full reconsideration of the author's asylum case, the Government submits that it has given full effect to the Views adopted by the Committee.

In accordance with the Committee's request, the author and her minor child have been granted residence in Denmark for the duration of the reconsideration of the

	author's asylum case by the Board. No time limit for departure has been fixed by the Board. If the author and her children do not leave voluntarily upon expiry of any time limit for departure fixed under section 33 (14) of the Aliens Act, they may be forcibly returned to Nigeria pursuant to section 32a of the Aliens Act. The Government observes that the mere fact that a person is a victim of human trafficking does not, in itself, justify asylum, nor does the victim's cooperation with the police or other authorities to find and prosecute human traffickers automatically make the victim eligible for asylum. Circumstances relating to trafficking may however be of relevance to the case, and will thus be taken into consideration in the asylum proceedings. When exercising their powers under the Aliens Act, the Danish Immigration Service and the Refugee Appeals Board are legally obliged to take the international obligations of Denmark into account, including the case law of the Committee. The Board's Coordination Committee is always informed of any new Views adopted by the Committee against Denmark where a violation is found in cases regarding asylum seekers. In addition, the Views of the Committee will be reported in the Board's annual report, which is distributed to all members of the Board for use in their work on the Board. The annual report includes a chapter on cases brought before international bodies. Additionally, both the Board and the Ministry of Foreign Affairs have made the Committee's Views publicly available on their respective websites (www.um.dk and www.fln.dk). In the light of the prevalence of English language skills in Denmark, the Government sees no reason for a full translation of the Committee's Views into Danish.
Committee's assessment:	(a) Full reconsideration of the author's claim regarding the risk of treatment contrary to articles 6 and 7 of the Covenant: A (b) Refrain from expelling the author and her minor child to Nigeria while her request for asylum is being reconsidered: A (c) Review the policy of not granting special consideration to requests for asylum from victims of human trafficking who cooperate with the law enforcement authorities: B1 (d) Publication of the Views: A
Committee's decision:	Close the follow-up dialogue, with a finding of satisfactory implementation of the Committee's recommendation.

Communication No. 2343/2014, *H.E.A.K. v. Denmark*

Views adopted:	23 July 2015

Violation:	Article 7
Remedy:	Effective remedy, to be provided by proceeding to a review of the decision to forcibly remove the author to Egypt, taking into account the State party's obligations under the Covenant. The State party is also under an obligation to take steps to prevent similar violations in the future.
Subject matter:	Deportation to Egypt
Previous follow-up information:	None
Submission from State party:	29 February 2016 On 22 September 2015, the Refugee Appeals Board decided to reopen the author's asylum case, with a view to making a new assessment of his asylum application, in the light of the Committee's Views. The Government will inform the Committee once a decision is reached.
Submissions from author's counsel:	17 and 27 June 2016 The author was ordered to leave Denmark, in the wake of the decision on 26 May 2016 by the Refugee Appeals Board to reject his application. He requests the Committee to register a new case and issue interim measures to prevent his deportation to Egypt. On 27 June 2016, the Committee, acting through the Special Rapporteur on new communications and interim measures, in consultation with the Special Rapporteur for follow-up on Views, decided to consider the case under the follow-up procedure.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2370/2014, *A.H. v. Denmark*

Views adopted:	16 July 2015
Violation:	Article 7
Remedy:	Effective remedy, to be provided by proceeding to a review of the decision to forcibly remove the author to Afghanistan, an arrangement for his quick return to Denmark, taking into account the State party's obligations under the Covenant, and payment of compensation.
Subject matter:	Deportation to Afghanistan
Previous follow-up information:	None
Submission from State party:	29 January 2016 The Refugee Appeals Board reopened the author's asylum case on 19 August 2015 and remitted the case for reconsideration by the Danish Immigration Service. On

	14 September 2015, the author re-entered Denmark. On 7 January 2016, the Danish Immigration Service granted the author residence under section 7 (2) of the Danish Aliens Act. The Danish Immigration Service determined that the author ran a risk of facing the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to Afghanistan, and based on the fact that it could not be ruled out that the author had received threats, and that he had been assaulted on one occasion after his return to Afghanistan. The State party therefore submits that it has given full effect to the Committee's Views by having arranged the author's return to Denmark and reconsidering his claim for asylum. The author was subsequently granted asylum under section 7 (2) of the Aliens Act. The author may claim financial compensation if he is of the opinion that he is entitled to compensation for any financial loss suffered. The author has not claimed compensation for being forcibly returned to Afghanistan. Considering the obligation to take steps to prevent similar violations in the future, the State party observes that, when exercising its powers under the Aliens Act, the Danish Immigration Service and the Refugee Appeals Board are legally obliged to take the international obligations of Denmark into account, including the case law of the Committee. The Views of the Committee are included in the Board's annual report, which is available on its website. Further, both the Board and the Ministry of Foreign Affairs have made the Committee's Views publicly available on their respective websites (www.um.dk and www.fln.dk).
Submission from author's counsel:	17 February 2016 The author was granted asylum after he was returned to Afghanistan. He is currently in the process of applying for family reunification, so that his wife and children may also be entitled to protection.
Committee's assessment:	(a) Review of the decision to forcibly remove the author to Afghanistan and an arrangement for the quick return of the author to Denmark: A (b) Compensation: B1 (c) Publication of the Views: A (d) Non-repetition: B1
Committee's decision:	Close the follow-up dialogue, with a finding of satisfactory implementation of the Committee's recommendation.

Communication No. 2[illegible]/2014, *X v. Denmark*	
Views adopted:	22 July 2015
Violation:	Article 7
Remedy:	Effective remedy, including a full reconsideration of the author's claim regarding the risk of torture, inhuman or degrading treatment or punishment if returned to the Islamic Republic of Iran, taking into account the State party's obligations under the Covenant.
Subject matter:	Deportation to the Islamic Republic of Iran
Previous follow-up information:	None
Submission from author's counsel:	29 April 2016 The author was granted asylum by the Refugee Appeals Board.
Submission from State party:	13 May 2016 The Refugee Appeals Board reopened the author's asylum case on 25 November 2015 and on 13 April 2016, it granted residence to the author under section 7 (1) of the Aliens Act. A majority of the Board members found that, although the author's political activities did not appear to be particularly extensive or high-profile, it could not disregard the fact that the author would face an obvious risk of being identified as a Kurdish opponent of the Iranian regime upon his return, and would therefore risk persecution. The Board therefore granted residence to the author under section 7 (1) of the Aliens Act. The State party consequently submits that it has given full effect to the Committee's Views. All Views are published on the Board's website and are also discussed by the Board's Coordination Committee. In addition, the Views are reported in the Board's annual report, which is distributed to all members of the Board for use in their work. Furthermore, both the Board and the Ministry of Foreign Affairs have made the Committee's Views publicly available on their respective websites (www.um.dk and www.fln.dk).
Committee's assessment:	(a) Full reconsideration of the author's claim regarding the risk of torture, inhuman or degrading treatment or punishment if returned to Islamic Republic of Iran: A (b) Publication of the Views: A (c) Non-repetition: B1
Committee's decision:	Close the follow-up dialogue, with a finding of satisfactory implementation of the Committee's recommendation.

7. **France**

Communication No. 1620/2007, *J.O. v. France*	
Views adopted:	23 March 2011
Violation:	Article 14 (2) and (5), read in conjunction with article 2
Remedy:	Effective remedy, including a review of the author's criminal conviction and appropriate compensation.
Previous follow-up information:	CCPR/C/113/3 and Corr.1
Submission from author:	Noting the continued inaction of the Government of France with respect to the implementation of the Committee's Views and legislative change, the author recalls the steps he took with a view to obtaining a retrial, including his third request on 14 November 2014 before the Court of Cassation under section 622 of the Code of Criminal Procedure as amended in 2014, which allows a retrial when new elements come to light or as a result of new events, based on the adoption of the Committee's Views. However, as that provision does not provide for an automatic right to a retrial, as would have been the case if the European Court of Human Rights had come to the same conclusion, his application for retrial cannot be considered as an effective remedy. In December 2015, his request for a retrial was rejected by the Cour de révision, based on the conclusion that the Covenant and the Optional Protocol are not legally binding on France. That is an obvious violation of article 55 of the Constitution, which states that international treaties, when ratified, take precedence over French law. Additionally, the Court ruled that the failure of the French courts to respect the presumption of innocence is not a reason to merit a retrial. Since his criminal conviction in 2001, he has failed to find new employment as a senior financial executive, and has been without work for 12 of the past 14 years, only being able to find short-term interim work. Even though his criminal conviction has been expunged, that is of no comfort as his professional career has been destroyed over a period of more than 18 years, and his family life was devastated. Nonetheless, he still wishes to obtain from France the right to a retrial in order to finally prove his innocence. He urges the Committee to put pressure on France to offer him a retrial.
Committee's decision:	Follow-up dialogue ongoing.

8. Kazakhstan

Communication No. 2104/2011, *Valetov v. Kazakhstan*	
Views adopted:	17 March 2014
Violation:	Article 7
Remedy:	Effective remedy, including appropriate compensation. The State party is requested to put in place effective measures for the monitoring of the situation of the author, in cooperation with the receiving State, and to prevent similar violations in the future.
Subject matter:	Extradition to Kyrgyzstan
Previous follow-up information:	CCPR/C/115/3
Submission from State party:	29 December 2015 and 18 February 2016 After the author's extradition in 2011, the consul of Kazakhstan in Kyrgyzstan visited him in prison. The author's health and conditions of detention were satisfactory. The author was "voluntarily" in solitary confinement. He did not allege any act of torture, and expressed satisfaction with the conditions of detention and medical examinations. He asked, however, to be released from prison, to be paid moral compensation and to be extradited to Kazakhstan or the Russian Federation. On 28 December 2015, the author was visited by representatives of the Prosecutor-General's Office, the head of medical service of the State Penitentiary Service and a lawyer. The delegation found his condition satisfactory. The author did not have any health-related complaints. The State party has distributed the Views to all regional prosecutors' offices to be used in their work. It has also published the Views on the web page of the Prosecutor-General's Office. Kostanay City Court rejected the author's request for compensation on 22 December 2015 on the grounds that the author had not presented any documents either on wrongful sentencing by the court or on having been being pardoned. In order to implement the Committee's recommendation concerning compensation, the State party needs implementing legislation, which is being discussed by the Prosecutor-General's Office and other related agencies.
Submission from author's counsel:	27 January 2016 Kostanay City Court refused the author compensation on the grounds that his extradition was lawful, the authorities had acted within the framework of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (the Chisinau Convention) of 2002, and the Committee's Views were

	not binding upon national courts. The court did not take into account the conclusion of the forensic psychiatrist, who identified a causal link between the unlawful treatment, torture and extradition of the author and his current mixed anxiety and depressive disorder. Regarding the author's detention in solitary confinement, which the State party described as "voluntary", the author fears for his life, as he belongs to the lowest rank of prisoners who are often beaten up or killed by other inmates. The prison administration does nothing to address that culture. The author's counsel asks the Committee to: (a) continue the dialogue with the State party on the implementation of its Views, particularly the payment of compensation to the author; (b) facilitate the author's transfer to the Russian Federation, in order to serve his sentence there; and (c) undertake continuous monitoring of the author's situation by Kazakhstan on the basis of a schedule of regular visits.
Committee's assessment:	(a) Appropriate compensation: E (b) Effective measures for the monitoring of the situation of the author, in cooperation with the receiving State: B1 (c) Prevent similar violations in the future: B2 (d) Publication of the Views: A
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2131/2012, *Leven v. Kazakhstan*	
Views adopted:	21 October 2014
Violation:	Article 18
Remedy:	Effective remedy, including review of the author's conviction and review of the cancellation of his residence permit.
Subject matter:	Conviction with a fine and expulsion from the State party of a foreign national for participating in religious ceremonies
Previous follow-up information:	None
Submission from author's counsel:	28 December 2015 Based on the Committee's Views, on 5 May 2015, the author's counsel requested the Prosecutor-General to initiate a supervisory review of the Esil District Court decision of 14 October 2009, as confirmed by the Akmolin Regional Court decision of 26 November 2009. On 1 June 2015, the Deputy Prosecutor-General refused to initiate supervisory review proceedings as he found that the above-mentioned decisions were lawful and motivated. According to the author's counsel, the

	Committee's Views were not taken into account. On 2 September 2015, the author lodged an appeal with the Esil District Court of Astana against the Prosecutor-General's refusal to initiate the supervisory review, which was rejected on 7 September 2015. The author was informed about the court's decision only on 25 September 2015. Therefore, those proceedings proved to be ineffective. The author is currently preparing a cassation appeal.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2137/2012, *Toregozhina v. Kazakhstan*

Views adopted:	21 October 2014
Violation:	Articles 9, 19 and 21
Remedy:	Effective remedy, including review of the author's conviction and provision of adequate compensation, including reimbursement of the legal costs incurred.
Subject matter:	Arrest and conviction for an administrative violation and sentencing to a fine for conducting an art-mob event
Previous follow-up information:	CCPR/C/117/3
Submission from author:	5 July 2016
	The author was placed under administrative arrest on 17 May 2016, which lasted 15 hours, because she wanted to participate in a peaceful assembly on 21 May 2016.
Committee's decision:	Follow-up dialogue ongoing.

9. Kyrgyzstan

Communication No. 1402/2005, *Krasnov v. Kyrgyzstan*

Views adopted:	29 March 2011
Violation:	Articles 7, 9 (2) and 14 (1) and (3) (b) and (c)
Remedy:	Effective remedy, including a review of the conviction of the author's son, taking into account the provisions of the Covenant, and appropriate compensation.
Subject matter:	Conviction of a juvenile person in violation of fair trial guarantees
Previous follow-up information:	CCPR/C/117/3
Submission from author:	6 January 2016
	The author provides a copy of her application to the Supreme Court dated 12 November 2014, in which she requested the Court, with reference to the Committee's Views, to initiate a new trial. Her application was

	rejected. She also provides a copy of a letter from the Supreme Court, addressed to the Ombudsman, which indicates that based on article 384 of the Code of Criminal Procedure, as amended on 22 March 2014, which introduces a ground for re-examination of cases based on decisions of international bodies, the author could introduce a request to have the case re-examined. The author also applied for supervisory review before the Supreme Court on 14 September 2015, referring to the Committee's Views and article 384 of the Code of Criminal Procedure, requesting the Supreme Court to annul her son's conviction and to cease his prosecution and related detention.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1545/2007, *Gunan v. Kyrgyzstan*

Views adopted:	25 July 2011
Violation:	Article 6, read together with article 14; articles 7, 14 (1) and (3) (b) and (d) and 14 (3) (g)
Remedy:	Effective remedy, to be provided by, inter alia: (a) carrying out an impartial, effective and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible for the treatment to which the author was subjected; (b) considering his retrial in conformity with all guarantees enshrined in the Covenant or his release; and (c) providing the author with full reparation, including appropriate compensation.
Subject matter:	Imposition of death penalty after an unfair trial
Previous follow-up information:	A/67/40 (Vol. I)
Submission from author:	26 October 2015 The author submits that on 1 April 2014, the law on amendments to the Code of Criminal Procedure entered into force. The law was issued specifically to create a basis for reopening cases based on the Committee's Views. Under article 389 of the revised Code of Criminal Procedure, a court seized of a request to resume legal proceedings should treat the Committee's Views as new circumstances, and either cancel the previous verdict and send the case for new investigation or new lower court consideration, or cancel the verdict and terminate the case if a new investigation or court proceedings are not needed in order to reach a final decision on the case. On 15 May 2014, the author, currently serving life imprisonment, applied to the Supreme Court for a review of all judgments reached in his case, on the basis of article 389 of the Code of Criminal Procedure. On 11 August 2014, the Supreme Court rejected his application,

	stating that the Committee's Views could not constitute sufficient reason to resume criminal proceedings in view of new facts, since the Committee had only considered providing Ahmet Gunan with effective remedies when verifying his allegations of torture. It had not indicated the specific facts according to which Mr. Gunan's rights and freedoms had been violated. The author notes that that decision is not consistent with the Constitution, which recognizes in article 6 the primacy of international human rights treaties over national law, and considers them an integral part of domestic law. The author requests the Committee to consider that its Views have not yet been implemented; to engage in a dialogue with Kyrgyzstan to ensure full implementation, which should include cancelling the guilty verdict and reopening the case, following all the procedural safeguards to offer him a fair trial; and to raise the issue with diplomatic representatives of Kyrgyzstan.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2054/2011, *Ernazarov v. Kyrgyzstan*	
Views adopted:	25 March 2015
Violation:	Author's brother's rights under articles 6 (1) and 7; author's rights under article 2 (3) read in conjunction with articles 6 (1) and 7
Remedy:	Effective remedy, including an impartial, effective and thorough investigation into the circumstances of the author's brother's death, prosecution of those responsible and full reparation, including appropriate compensation.
Subject matter:	Death of the author's brother while in police custody
Previous follow-up information:	None
Submission from the State party:	2 November 2015 The State party transmits a report from the Prosecutor-General's Office listing all the judicial instances before which the author appealed his case, and which rejected his appeals. No information is provided on the actual implementation of the Views.
Submission from author's counsel:	29 January 2016 According to the author's counsel, the State party has demonstrated that it has not yet taken effective steps to implement the Committee's requirements to investigate Mr. Ernazarov's death and provide redress to his family. Although it mentions a number of legislative and institutional reforms, including the establishment of the Human Rights Coordination Council on 18 November 2013 and other proposed reforms outlined in the National

	Plan of Action on the Prevention of Torture, which are welcome, many of the reforms have yet to be implemented and torture remains widespread, as does impunity for its perpetrators. The work that is currently being done by the Coordination Council to develop a mechanism for the implementation of the Committee's Views is also welcome, and the Committee should support it. However, the absence of such a mechanism should not be an obstacle to implementing the Committee's Views in Mr. Ernazarov's case. The Government should comply with the Committee's request to conduct an effective and thorough investigation into Mr. Ernazarov's death that is fully independent and impartial, and which is capable of leading to the identification and punishment of those responsible. As noted in the Views, where existing procedures are inadequate to secure an independent and impartial investigation, as is the case here, such an investigation should be conducted through an independent commission of inquiry. The Government should also provide prompt payment of appropriate compensation to the victim's family, which should include the costs of psychological counselling and rehabilitation. It should also make a public apology. In order to comply with its obligation to prevent similar violations in the future, Kyrgyzstan should implement appropriate safeguards against torture, ill-treatment and killings in places of detention. Such safeguards should include, in particular, effective and independent oversight of police stations and other sites of pretrial detention, improved police training and ensuring the independence of medical and forensic services. The Government should also publish the Committee's Views on the government websites, in major newspapers and through other media outlets.
Committee's assessment:	(a) Impartial, effective and thorough investigation into the circumstances of the author's brother's death: C1 (b) Prosecution of those responsible: C1 (c) Full reparation including appropriate compensation: C1 (d) Publication of the Committee's Views: No information (e) Non-repetition: No information
Committee's decision:	Follow-up dialogue ongoing.

10. Nepal

Communication No. 2111/2011, *Tripathi v. Nepal*	
Views adopted:	29 October 2014

Violation:	Articles 6 (1), 7, 9 and 16, and article 2 (3), read in conjunction with articles 6 (1), 7, 9 and 16 with regard to Mr. Tripathi; and articles 7 and 2 (3) read in conjunction with article 7, with respect to the author and C.T.
Remedy:	Effective remedy, to be provided by, inter alia: (a) conducting a thorough and effective investigation; (b) releasing Mr. Tripathi if he is still alive; (c) in the event that Mr. Tripathi is deceased, handing over his mortal remains to his family; (d) prosecuting, trying and punishing those responsible for the violations committed; (e) providing adequate compensation; (f) ensuring that the necessary and adequate psychological rehabilitation and medical treatment are provided to the author and her daughter; and (g) providing appropriate measures of satisfaction.
Subject matter:	Enforced disappearance
Previous follow-up information:	CCPR/C/117/3
Submission from author's counsel:	9 December 2015
	The State party has yet to implement the Views. Despite apparent steps being taken by some authorities (the Office of the Prime Minister reportedly addressed several letters to relevant Ministries on the case), the author was never informed or in any manner involved in those undertakings.
	The State party's argument that the author must refer her case to the transitional justice mechanism is contrary to the Committee's Views and appears to have a merely dilatory intent. The outcome of that mechanism's deliberations will be a recommendation for criminal prosecution. However, the Attorney General is already under an obligation to conduct, ex officio, an independent, impartial, thorough and effective investigation into the crimes committed against the author. The interim relief programme developed between 2008 and 2009 to provide compensation to "conflict-affected persons" by no means replaces the State party's obligations to (a) pay compensation that is both commensurate with the gravity of the harm suffered and that takes into consideration material and moral damages, and (b) to ensure that the author and her daughter receive the necessary and adequate psychological rehabilitation and medical treatment.
	The State party must identify the competent authority in charge of the implementation of the Views and initiate all necessary measures to locate Mr. Tripathi.
	The author welcomes the measures taken aiming to protect the victim's family from acts of reprisals or intimidation, but wishes to receive more details. The author's legal representatives request that the State party clarify which is the competent authority responsible for the translation of the Committee's Views and proceed without further delay to translate them, provide the

	author with a copy of the translated decision of the Committee and proceed to their public dissemination.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2000/2010, *Katwal v. Nepal*	
Views adopted:	1 April 2015
Violation:	Articles 6, 7, 9 (1-4) and 16, and article 2 (3), read in conjunction with articles 6, 7, 9 (1-4) and 16 with regard to Mr. Katwal; and article 7, and article 2 (3), read in conjunction with article 7, with regard to the author.
Remedy:	Effective remedy, to be provided by, inter alia: (a) conducting a thorough and effective investigation, with a view to locating the remains of Chakra Bahadur Katwal and returning them to his family; (b) prosecuting, trying and punishing those responsible and making the results of such measures public; and (c) providing effective reparation, including adequate compensation and appropriate measures of satisfaction.
Subject matter:	Enforced disappearance
Previous follow-up information:	CCPR/C/117/3
Submission from author's counsel:	16 December 2015 The State party has yet to implement the Committee's Views. After repeated interactions with different governmental authorities and after the author's daughter filed an application concerning her right to information, there has been no follow-up. The author's counsel rejects the State party's argument that the obligations to conduct a thorough and effective investigation into the facts and to prosecute, try and punish those responsible for the deprivation of liberty, torture and enforced disappearance of Mr. Katwal depend upon the outcome of the transitional justice mechanism. The Attorney General is already under an obligation to conduct an ex officio independent, impartial, thorough and effective investigation into the crimes committed against the victim. The State party should immediately identify the competent authority in charge of locating, exhuming and identifying the remains of Mr. Katwal and returning them to his family without further delay. Mr. Katwal's family is unaware of the protection mechanisms referred to by the State party and was never consulted about the author's need for protection. It is unclear whether any steps are being taken to criminalize acts of enforced disappearance under Nepalese legislation.

	The author deplores the fact that the Views have yet to be translated into Nepalese and disseminated.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2038/2011, *Tharu et al. v. Nepal*	
Views adopted:	3 July 2015
Violation:	Articles 6 (1), 7, 9 and 16; article 2 (3) read in conjunction with articles 6 (1), 7, 9 and 16 with regard to the authors' relatives; and article 7, as well as article 2 (3), read in conjunction with article 7, with respect to the authors
Remedy:	Effective remedy, to be provided by, inter alia: (a) ensuring a thorough and effective investigation into the disappearance of the authors' relatives; (b) if their relatives are dead, locating the remains and handing them over to their families; (c) prosecuting, trying and punishing those responsible; (d) ensuring rehabilitation and treatment for the authors; and (e) providing effective reparation, including adequate compensation and appropriate measures of satisfaction.
Subject matter:	Enforced disappearance
Previous follow-up information:	None
Submission from State party:	22 March 2016 The Government of Nepal (Council of Ministers) took decisions on 27 January 2016 in order to give effect to the Committee's Views. The Ministry of Peace and Reconstruction will provide additional compensation of Nr 100,000 as relief to the families of the victims. The families will be ensured protection against possible acts of reprisals or intimidation, and the Ministry of Home Affairs and the Ministry of Defence will take appropriate measures to prevent the recurrence of similar incidents in the future. The Ministry of Law, Justice and Parliamentary Affairs will translate the Committee's Views into Nepali, and the Ministry of Peace and Reconstruction will publish and disseminate them accordingly.
Committee's assessment:	(a) Thorough investigation: C1 (b) Locating the remains and handing them over to their families: C1 (c) Prosecution and punishment of those responsible: C1 (d) Adequate compensation: B2 (e) Rehabilitation and medical treatment: C1

	(f) Appropriate measures of satisfaction: C1
	(g) Publication of the Views: B1
	(h) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2051/2011, *Basnet and Basnet v. Nepal*

Views adopted:	29 October 2014
Violation:	Articles 7, 9, 10 (1) and 16; article 2 (3) read in conjunction with articles 7, 9, 10 (1) and 16, with regard to Jit Man Basnet; and article 7, and article 2 (3) read in conjunction with article 7, with respect to Top Bahadur Basnet.
Remedy:	Effective remedy, to be provided by, inter alia: (a) conducting a thorough and effective investigation into the facts and prosecuting, trying and punishing those responsible for the violations committed; (b) providing the authors with detailed information about the results of the investigation; (c) providing adequate compensation to the authors for the violations suffered; (d) ensuring that the necessary and adequate psychological rehabilitation and medical treatment is provided to the authors; (e) providing appropriate measures of satisfaction.
Subject matter:	Enforced disappearance
Previous follow-up information:	CCPR/C/117/3
Submission from authors' counsel:	9 December 2015 The State party has yet to implement the Views. Despite apparent steps being taken by some authorities, the authors were never informed or in any way involved. The request to have Messrs. Basnet refer their case to the transitional justice mechanism is contrary to the Views. The Attorney General is already under an obligation to conduct an ex officio, independent, impartial, thorough and effective investigation into the crimes committed against the authors. Both authors are entitled to receive compensation. Therefore, the State party's contention that either Jit Man Basnet or his family will receive compensation goes against the Views of the Committee. The State party refers to the amount of Nr 100,000 as "interim relief". No explanation is provided as to why that amount should constitute interim relief, what the amount of the final relief will be or when it will be paid. According to the authors, the State party fails to fully understand the nature of the measures of non-recurrence recommended by the Committee. According to the Council of Ministers' decision of 9 April 2015 mentioned in the State party's submission, the Ministry

	of Home Affairs and the Ministry of Defence will ensure that Jit Man Basnet's relatives are protected from acts of reprisals or intimidation, and will take measures to prevent the recurrence of similar incidents in the future. The authors welcome those measures but request clarification regarding them, especially in the light of the fact that Jim Man Basnet was granted political asylum in the United States of America. Moreover, the State party fails to provide any detail in its letter of 13 May 2015 about whether any steps are being taken to criminalize acts of torture and enforced disappearance under Nepalese legislation.
	The authors have not been provided with adequate psychological rehabilitation and medical treatment as recommended by the Committee. They request the Government of Nepal to establish a system of reimbursement, so that they can receive the psychological rehabilitation they need in the United States free of cost.
	The State party's submission provides no reference to appropriate measures of satisfaction.
	The Views have yet to be translated and disseminated.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2077/2011, *A.S. v. Nepal*	
Views adopted:	6 November 2015
Violation:	Articles 7, 9 (1), (2) and (5), 10 (1) and 17; and article 2 (3), read in conjunction with articles 7, 9 (1), (2) and (5), 10 (1) and 17
Remedy:	Effective remedy, to be provided by, inter alia: (a) conducting a thorough and effective investigation; (b) prosecuting, trying and punishing those responsible; (c) providing adequate compensation and appropriate measures of satisfaction to the author for the violations suffered; and (d) ensuring that any necessary and adequate psychological rehabilitation and medical treatment is provided to the author.
Subject matter:	Enforced disappearance
Previous follow-up information:	None
Submission from State party:	22 March 2016
	The Council of Ministers decided on 27 January 2016 to provide additional compensation of Nr 20,000 to the victim, in the light of the Committee's finding that the amount of Nr 20,000 as compensation was inadequate. The Ministry of Home Affairs will ensure that Mr. S. and his family are protected against possible acts of reprisals or intimidation, and will take appropriate measures to

	prevent the recurrence of similar incidents in the future. The Ministry of Law, Justice and Parliamentary Affairs will translate the Committee's Views into Nepali and the Ministry of Peace and Reconstruction will publish and disseminate them accordingly. (a) Thorough investigation: C1 (b) Prosecution and punishment of those responsible: C1 (c) Adequate compensation: B2 (d) Rehabilitation and medical treatment: C1 (e) Appropriate measures of satisfaction: C1 (f) Publication of the Views: B1 (g) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

11. Netherlands

Communication No. 2097/2011, *Timmer v. Netherlands*

Views adopted:	24 July 2014
Violation:	Article 14 (5)
Remedy:	Effective remedy that will allow a review of the author's conviction and sentence by a higher tribunal, or implementation of other appropriate measures capable of removing the adverse effects caused to the author, together with adequate compensation. The State party should bring the relevant legal framework into conformity with the requirements of article 14 (5) of the Covenant.
Subject matter:	Conduct of criminal proceedings
Previous follow-up information:	CCPR/C/117/3
Submission from State party:	10 March 2016 The author was reimbursed for the fine he paid and the offence that was the subject matter of the communication was struck from his criminal record. The author has indicated that he incurred no legal costs. In addition, a proposal to abolish the system of leave to appeal, as set out in section 410 (a) of the Code of Criminal Procedure, is under way as part of a wider exercise to modernize the Code. After broad consultations, a final memorandum was submitted to the House of Representatives on 30 September 2015, on the basis of which concrete legislative proposals are being drafted. They will be presented to the House in four parts, the last of which will be presented in January 2018, to be followed by the Act implementing the changes.

Committee's assessment:	(a) Review of the author's conviction and sentence by a higher tribunal or other measures: A (b) Compensation: B1 (c) Bring the relevant legal framework into conformity with the requirements of article 14 (5): B1 (d) Publication of the Views: No information (e) Non-repetition: B1
Committee's decision:	Close the follow-up dialogue, with a finding of satisfactory implementation of the Committee's recommendation.

12. Peru

Communication No. 1153/2003, *L.H. v. Peru*

Views adopted:	24 October 2005
Violation:	Articles 2, 7, 17 and 24
Remedy:	Effective remedy, including compensation.
Subject matter:	Refusal to provide medical services to the author in connection with a therapeutic abortion, which is not a punishable offence and for which express provision has been made in the law.
Previous follow-up information:	A/63/40 (Vol. II)
Submission from author's counsel:	11 March 2016 The author's counsel submits that the State party has fully complied with the Views of the Committee, thanks to an out-of-court agreement reached between the author and the competent national authorities. On 17 November 2015, the author received compensation from the Ministry of Health of S/166,000 (around €45,620). Additionally, the Committee's Views were published in the Official Gazette on 10 December 2015, and the State party adopted safe abortion guidelines, published on 28 June 2014, aimed at avoiding similar human rights violations in the future. The State party also adopted a plan for the dissemination and implementation of the guidelines and for specific activities to apply the plan. The State party has proposed making a public apology to the author, even though that remedy was not requested by the Committee. The author notes that, on 6 March 2015, the Ministry of Justice and Human Rights issued a technical opinion on the binding nature of the Committee's recommendations in the context of individual complaints, indicating that the recommendations are fully binding for all national institutions.

Committee's decision:	Close the follow-up dialogue with a finding of satisfactory implementation of the Committee's recommendation.

13. Philippines

Communication No. 868/1999, *Wilson. v. Philippines*

Views adopted:	30 October 2003
Violation:	Articles 7, 9 (1-3) and 10 (1-2)
Remedy:	An effective remedy. In respect of the violations of article 9, the State party should compensate the author. Compensation due to the author for the violations of articles 7 and 10 should take due account both of the seriousness of the violations and the damage caused to the author. The State party must undertake a comprehensive and impartial investigation of the issues raised in the course of the author's detention, and draw the appropriate penal and disciplinary consequences for the individuals found responsible. As to the imposition of immigration fees and visa exclusion, the State party should refund to the author the monies claimed from him. All monetary compensation thus due to the author by the State party should be made available for payment to the author at the venue of his choice, be it within the State party's territory or abroad.
Subject matter:	Arbitrary arrest and death sentence
Previous follow-up information:	CCPR/C/117/3
Submission from authors' counsel:	19 July 2016 The author's counsel recalls that in 2009, a petition was filed on behalf of the author in the Supreme Court, seeking a mandamus directing the Government to take steps to pay the author reparation in an amount sufficient to compensate him for the torture and abuse suffered. The case has made no progress in the Court, despite an application in 2012 for it to be heard. An updated medical legal report was recently secured from an expert, which includes evidence on how the delay in achieving any tangible justice has negatively affected the author's well-being. The author's counsel transmits a copy of a notice from the Supreme Court of the Philippines, which refers to the ongoing case of Mr. Wilson, as well as to a note from the Committee's secretariat, transmitting previous observations from the author's counsel to the State party.
Committee's decision:	Follow-up dialogue ongoing.

14. Republic of Korea

Communication No. 1786/2008, *Kim et al. v. Republic of Korea*	
Views adopted:	25 October 2012
Violation:	Article 18 (1)
Remedy:	Effective remedy, including expunging the authors' criminal records and providing the authors with adequate compensation. The State party is under an obligation to avoid similar violations of the Covenant in the future, which includes the adoption of legislative measures guaranteeing the right to conscientious objection.
Subject matter:	Alternative to compulsory military service; conscientious objection
Previous follow-up information:	CCPR/C/117/3
Submission from State party:	9 February 2016
	Providing for alternative service for conscientious objectors depends on a positive change in the security environment, and the national consensus remains unchanged. It is a country-specific issue. The unstable security situation of the Republic of Korea should be taken into account.
	Furthermore, a drastic decrease in military manpower is expected, owing to the recent drop in the birth rate. Since 2006, the Government has been continuously reviewing the possibility of providing for alternative service by conducting public hearings, national surveys and various studies, and has made a number of suggestions within the context of domestic courts and international conferences. The Government is currently reviewing examples of alternative service for conscientious objectors in, inter alia, France, Germany, Singapore and Taiwan Province of China.
Committee's assessment:	(a) Expunging the authors' criminal records and adequate compensation: C1
	(b) Publication of the Committee's Views: A
	(c) Non-repetition: B2
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2179/2012, *Kim et al. v. Republic of Korea*	
Views adopted:	15 October 2014
Violation:	Articles 9 (1) and 18 (1)
Remedy:	Effective remedy, including expunging the authors' criminal records and providing them with adequate compensation. The State party is under an obligation to

	avoid similar violations of the Covenant in the future, which includes the adoption of legislative measures guaranteeing the right to conscientious objection.
Subject matter:	Alternative to compulsory military service; conscientious objection
Previous follow-up information:	CCPR/C/117/3
Submission from authors' counsel:	21 December 2015 The authors repeatedly petitioned for special amnesty and effective remedies before the former and current Presidents. In June 2011, they filed an appeal to the former President Myung-bak Lee, asking that the Committee's Views be implemented and, in particular, that the authors' criminal records be expunged by special pardon. The authors also asked that the Republic of Korea adopt legislation guaranteeing the right to conscientious objection, in order to avoid similar violations in the future. In February 2013, the authors filed a petition to the Presidential transition team, requesting that the authors' criminal records be expunged. In August 2013, some 487 authors who had lodged similar communications in 2010 and 2012 filed a petition to the President, making the same request. None of the requests were granted. However, according to the authors' counsel, it is possible to expunge criminal records at any time under the Amnesty Act, which allows the President to grant special pardon to invalidate the effect of a criminal sentence. Of the 387 authors of the communication, 52 have filed a compensation claim. On 17 June 2014, Seoul Central District Court dismissed the claim and Seoul High Court also decided to dismiss the claim on 30 April 2015. The case was finalized and closed when the Supreme Court rejected the claim on 19 August 2015. The authors' counsel rejects the State party's argument that introducing alternatives to military service would have a substantial effect on military manpower. That would not be the case, as the Republic of Korea has already established a plan to modernize its military system, which involves downsizing its workforce. Currently, about 6,000 men are not allowed to join the army, even if they wish to do so, on the grounds that they are overweight or failed to complete basic education. Each year, 700 conscientious objectors only are imprisoned. In response to the Committee's Views, the Chairperson of the National Human Rights Commission of Korea issued a public statement in which he urged the Government to immediately recognize the right to conscientious objection to military service. However, that had no impact.

15. Spain

Communication No. 2008/2010, *Aarrass v. Spain*	
Views adopted:	21 July 2014
Violation:	Article 7
Remedy:	Effective remedy, including by providing adequate compensation and taking all possible steps to cooperate with the Moroccan authorities in order to ensure effective oversight of the author's treatment in Morocco.
Subject matter:	Extradition to Morocco
Previous follow-up information:	CCPR/C/117/3
Submission from State party:	11 January 2016

In order to comply with the Committee's Views, the Ministry of Justice published them in Official Bulletin No. 2176, on 31 March 2015. Additionally, following the Constitutional Court's doctrine, the jurisprudence of the national court now provides more guarantees for extradition since the existence of a risk to life or physical integrity are grounds for denying extradition.

Concerning the facts of the present case, the author is seeking compensation from the State following the administrative procedure established to that effect before the Ministry of Justice. However, the author has been requested to provide further information in order to complete the proceedings. The General Council of the Judiciary and the State Council will need to participate in the proceedings owing to the amount of compensation at stake.

In October and November 2015, the Spanish authorities organized meetings with several Moroccan authorities to obtain information regarding the author's detention conditions and the measures adopted during his hunger strike, as well as on the status of the judicial proceedings initiated to investigate his claims of ill-treatment and torture before the Moroccan courts. Spain was informed that the National Human Rights Council of Morocco was visiting the author in prison regularly and had assisted him during his hunger strike, taking him to hospital and providing medical follow-up. In addition, the Government of Spain was provided with a copy of the judicial decision concerning the complaint filed for torture and ill-treatment, in which the court decided to dismiss the case after undertaking a series of inquiries. Moreover, the State party received a report from the Director of Global Affairs of the Ministry of Foreign Affairs, indicating that the author received medical treatment on many occasions, assistance during his latest hunger strike and that the Moroccan legal requirements concerning the conditions of detention, visits from family and lawyers, food provision, medical assistance, judicial proceedings and visits by the National Human Rights

	Council of Morocco, are being upheld.
Committee's assessment:	(a) Adequate compensation: B2 (b) Taking all possible steps to cooperate with the Moroccan authorities to ensure effective oversight of the author's treatment in Morocco: B2 (c) Publication of the Views: A (d) Non-repetition: B1
Committee's decision:	Follow-up dialogue ongoing.

16. Sri Lanka

Communication No. 1376/2005, *Bandaranayake v. Sri Lanka*

Views adopted:	24 July 2008
Violation:	Article 25 (c), read in conjunction with article 14 (1)
Remedy:	Effective remedy, including, appropriate compensation.
Subject matter:	Wrongful dismissal of a judge
Previous follow-up information:	No previous follow-up information
Submission from author:	27 January 2016 The author submits that, despite the State party's solemn undertaking to hear an appeal made to the President, the author received two replies informing him that (a) according to the existing legal framework, no remedy could be adopted for the failure to implement the Committee's Views; and (b) the President was unable to interfere with the decisions of the Judicial Service Commission. That contradicts the commitment the State party made to give effect to the Committee's Views when it voluntarily acceded to the procedure. All branches of the Government are obliged to discharge the State's obligations. The author urges the Committee to require the Government of Sri Lanka to abide by its obligations, stressing that he is nearing the compulsory retirement age, and that the Government may thereafter take the position that he cannot be reinstated as a judge, as he has attained his retirement age.
Committee's decision:	Follow-up dialogue ongoing.

17. Sweden

Communication No. 2149/2012 , *M.I. v. Sweden*

Views adopted:	25 July 2013
Violation:	Article 7

Remedy:	Effective remedy, including full reconsideration of the author's claim regarding the risk of treatment contrary to article 7 if she is returned to Bangladesh.
Subject matter:	Extradition to Bangladesh
Previous follow-up information:	CCPR/C/112/3
Background:	On 3 February 2014, the State party had informed the Committee that on 1 November 2013, the Migration Board had decided to grant the author permanent residence in Sweden. Several measures had been taken to ensure non-repetition, and the Views had been published in September 2013 with a summary in Swedish, and were to be published on the Government's human rights website. On 7 March 2014, 14 October 2014 and 7 April 2016, the author was requested to confirm that information. No answer was received.
Committee's assessment:	(a) Remedy: A (b) Publication of the Views: A (c) Non-repetition: A
Committee's decision:	Close the follow-up dialogue, with a finding of satisfactory implementation of the Committee's recommendation.

18. Uruguay

Communication No. 1765/2008, *Torres Rodríguez v. Uruguay*

Views adopted:	24 October 2011
Violation:	Article 26, read in conjunction with article 2
Remedy:	Reparation, including appropriate compensation for the losses suffered.
Subject matter:	Discrimination against civil servants on grounds of age
Previous follow-up information:	CCPR/C/117/3
Submission from State party:	18 December 2015 The State party submits that the only pending issue regarding implementation of the Views is the requested award of compensation to the author for the damage suffered. The State party indicates that in 2015, the author filed a lawsuit before national courts requesting compensation.
Committee's assessment:	Reparation, including compensation: C1
Committee's decision:	Follow-up dialogue ongoing.

19. Uzbekistan

Communication No. 1418/2005, *Iskiyaev v. Uzbekistan*	
Views adopted:	20 March 2009
Violation:	Articles 7 and 10 (1)
Remedy:	Effective remedy, including initiation and pursuit of criminal proceedings to establish responsibility for the author's ill-treatment, and payment of appropriate compensation to the author.
Subject matter:	Detention of an individual on charges of extortion
Previous follow-up information:	A/65/40
Submission from author's counsel:	1 November 2015 The author's counsel encloses a copy of an application for compensation addressed on behalf of the author to the President of Uzbekistan, referring to the Committee's Views and indicating that the author served his three-year prison sentence, before his release following a presidential amnesty in 2000, in the town of Navoi, close to a chemical and cement plant, with exposure to harmful substances. In addition, several hunger strikes undertaken to protest against the torture and ill-treatment he suffered, and other violations of his fundamental rights and liberties, have resulted in a deterioration in his state of health. The author now suffers from post-traumatic stress disorder. Compensation should properly reflect not only the suffering to which the author was exposed during detention, but also the irreversible damage inflicted on his mental and physical health.
Committee's decision:	Follow-up dialogue ongoing.

Communications No. 1914/2009, No. 1915/2009 and No. 1916/2009, *Musaev v. Uzbekistan*	
Views adopted:	21 March 2012
Violation:	Articles 7, 9, 14 (3) (b) and (g) and (5)
Remedy:	Effective remedy, including carrying out an impartial, effective and thorough investigation and initiating criminal proceedings against those responsible; ensuring the victim's retrial in conformity with all guarantees enshrined in the Covenant, or his release; and providing the victim with full reparation, including appropriate compensation.

Subject matter:	Failure to promptly bring a person detained on a criminal charge before a judge and to adequately address torture allegations; proceedings in violation of fair trial guarantees
Previous follow-up information:	CCPR/C/117/3
Submission from State party:	18 January 2016 The interministerial working group on human rights and freedoms has examined the author's allegations, which are groundless. The investigations conducted reveal that no unlawful acts were committed against the author's son by the penitentiary authorities. The family's contenion that all correspondence with Mr. Musaev was interrupted for the past three months is also uncorroborated by evidence, as in 2015, the latter received 43 letters and sent 89. In addition, Mr. Musaev has breached the internal order of the penitentiary institution on several occasions by his behaviour. He currently has 11 non-served disciplinary sanctions, the last one from 3 June 2015. Amnesty acts may only apply to prisoners with exemplary behaviour who are not subjected to disciplinary measures.
Committee's assessment:	(a) Investigation: B2 (b) Retrial or release; and full reparation: C2 (c) Publication of the Views: No information (d) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.